

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,

Plaintiff,

v.

JONATHAN GOODFELLOW, et al.,

Defendants.

Case No. [17-cv-06852-VC](#) (PR)

**ORDER OF DISMISSAL WITH
PREJUDICE**

Re: Dkt. No. 3

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a *pro se* action against the California Supreme Court, Alameda County District Attorney Nancy O'Malley and Jonathan Goodfellow and John Whitson of the Alameda County District Attorney's Office. The Clerk has designated this as a prisoner civil rights case. Bonilla has been disqualified from proceeding *in forma pauperis* ("IFP") under 28 U.S.C. § 1915(g) unless he is "under imminent danger of serious physical injury" at the time he filed his complaint. 28 U.S.C. § 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR).

The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, Bonilla may not proceed IFP. Moreover, his lawsuit is barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Accordingly, the case is dismissed with prejudice.


Furthermore, this is not a case in which the undersigned judge's impartiality might be reasonably questioned. *See United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent legitimate reason to recuse himself or herself, judge has a duty to sit in judgment in all cases

assigned to that judge).

The Clerk shall terminate all pending motions and close the case. The Clerk shall return, without filing, any further documents Bonilla submits after this case is closed.

IT IS SO ORDERED.

Dated: December 21, 2017



VINCE CHHABRIA
United States District Judge